



**REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS  
EXCEEDING THE 10-DAY LIMIT**

Annual Report to the Fiscal and Policy Committees  
of the Legislature

Department of Mental Health  
Stephen W. Mayberg, Ph.D.  
Director

**January 2001**

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**An Annual Report to the Fiscal and Policy Committees  
of the Legislature in Response to Chapter 294, Statutes of 1997**

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### **NARRATIVE**

The Department of Mental Health is submitting a "Summary of Inpatient Days Utilized by Incompetent to Stand Trial (IST) Patients Remaining in a State Hospital in Excess of the 10-Day Limit" following the Director's certification to the court that the defendant has regained competency (Penal Code Section 1372(a)(1)). The summary was prepared by this Department in compliance with the requirements set forth in SB 391, Solis (Chapter 294, Statutes of 1997). Previous legislation (SB 485, Chapter 722, Statutes of 1992) originally amended the IST Penal Code Section 1372 requiring that patients be returned to the committing court no later than 10 days following the filing of a certificate of restoration of mental competency. This provision was clarified in Chapter 294, Statutes of 1997, that the date of filing shall be the date on the return receipt.

Whenever the state hospital determines that the IST patient has regained mental competency, the Director shall so certify to the committing court by filing a certificate of restoration. Penal Code Section 1372(a)(2) requires the return of the IST defendant (patient) to court by the sheriff of the committing county within 10 days of the filing of the certificate. The state will only pay for 10 hospital days following the date on the return receipt of the certificate for patient care. Financial responsibility for continued hospitalization transfers to the county after the 10-day period has lapsed. The attached 12-month summary indicates the results of a review conducted to determine the billing for days in excess of the 10-day limit for calendar year 2000. Those counties that exceeded the 10-day limit have been notified of the payment obligation for the patients' cost of care in the state hospitals.

The first report on billable days was mandated by the enactment of Chapter 294, Statutes of 1997 (effective August 18, 1997). The following list indicates aggregate billable days for each calendar year:

1997	Billable days totaled 3,099	
1998	Billable days totaled 2,079	33% reduction from 1997
1999	Billable days totaled 1,426	31% reduction from 1998
2000	Billable days totaled 1,400	2% reduction from 1999

Comparing the first year, 1997, and this past year, 2000, there has been a 55 percent reduction in billed days as a result of the counties removing their patients from state hospitals within the 10-day limit.

The data used for this summary was obtained from the state hospitals through the Admissions, Discharge, and Transfer System.

**DEPARTMENT OF MENTAL HEALTH**  
**SUMMARY OF INPATIENT DAYS UTILIZED BY INCOMPETENT TO STAND TRIAL**  
**PATIENTS REMAINING IN A STATE HOSPITAL IN EXCESS OF THE 10-DAY LIMIT**  
**January 1, 1999 thru December 31, 1999**

Alameda	11	Imperial	0	Modoc	0	San Diego	75	Sonoma	46
Alpine	0	Inyo	0	Mono	0	San Francisco	65	Stanislaus	0
Amador	0	Kern	46	Monterey	0	San Joaquin	1	Sutter	0
Butte	0	Kings	0	Napa	4	San Luis Obispo	77	Tehama	0
Calaveras	0	Lake	18	Nevada	0	San Mateo	4	Trinity	0
Colusa	0	Lassen	5	Orange	0	Santa Barbara	7	Tulare	200
Contra Costa	19	Los Angeles	497	Placer	1	Santa Clara	144	Tuolumne	0
Del Norte	0	Madera	1	Plumas	0	Santa Cruz	0	Ventura	10
El Dorado	0	Marin	0	Riverside	118	Shasta	0	Yolo	5
Fresno	0	Mariposa	0	Sacramento	13	Sierra	0	Yuba	<u>0</u>
Glenn	0	Mendocino	0	San Benito	0	Siskiyou	0		
Humboldt	9	Merced	0	San Bernardino	14	Solano	10	<b>Total Days:</b>	<b><u>1,400</u></b>

Data obtained from all state hospitals.